

109TH CONGRESS  
1ST SESSION

# H. R. 694

To enhance the preservation and interpretation of the Gullah/Geechee cultural heritage, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2005

Mr. CLYBURN (for himself, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, Mr. MCINTYRE, Mr. KINGSTON, Mr. CRENSHAW, Ms. CORRINE BROWN of Florida, and Mr. MICA) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To enhance the preservation and interpretation of the Gullah/Geechee cultural heritage, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Gullah/Geechee Cul-  
5       tural Heritage Act”.

6       **SEC. 2. PURPOSES.**

7       The purposes of this Act are to—

8               (1) recognize the important contributions made  
9       to American culture and history by African Ameri-

1       cans known as the Gullah/Geechee who settled in the  
2       coastal counties of South Carolina, Georgia, North  
3       Carolina, and Florida;

4               (2) assist State and local governments and pub-  
5       lic and private entities in South Carolina, Georgia,  
6       North Carolina, and Florida in interpreting the  
7       story of the Gullah/Geechee and preserving Gullah/  
8       Geechee folklore, arts, crafts, and music; and

9               (3) assist in identifying and preserving sites,  
10      historical data, artifacts, and objects associated with  
11      the Gullah/Geechee for the benefit and education of  
12      the public.

13   **SEC. 3. DEFINITIONS.**

14      For the purposes of this Act, the following definitions  
15   apply:

16              (1) COMMISSION.—The term “Commission”  
17      means the Gullah/Geechee Cultural Heritage Cor-  
18      ridor Commission established under this Act.

19              (2) HERITAGE CORRIDOR.—The term “Herit-  
20      age Corridor” means the Gullah/Geechee Cultural  
21      Heritage Corridor established by this Act.

22              (3) SECRETARY.—The term “Secretary” means  
23      the Secretary of the Interior.

1 **SEC. 4. GULLAH/GEECHEE CULTURAL HERITAGE COR-**  
2 **RIDOR.**

3 (a) ESTABLISHMENT.—There is established the  
4 Gullah/Geechee Cultural Heritage Corridor.

5 (b) BOUNDARIES.—

6 (1) IN GENERAL.—The Heritage Corridor shall  
7 be comprised of those lands and waters generally de-  
8 picted on a map entitled “Gullah/Geechee Cultural  
9 Heritage Corridor” numbered \_\_\_\_\_ and  
10 dated \_\_\_\_\_. The map shall be on file  
11 and available for public inspection in the appropriate  
12 offices of the National Park Service and in an ap-  
13 propriate State office in each of the States included  
14 in the Heritage Corridor. The Secretary shall pub-  
15 lish in the Federal Register, as soon as practicable  
16 after the date of enactment of this Act, a detailed  
17 description and map of the boundaries established  
18 under this subsection.

19 (2) REVISIONS.—The boundaries of the herit-  
20 age corridor may be revised if the revision is—

21 (A) proposed in the management plan de-  
22 veloped for the Heritage Corridor;

23 (B) approved by the Secretary in accord-  
24 ance with this Act; and

25 (C) placed on file in accordance with para-  
26 graph (1).

1 (c) ADMINISTRATION.—The Heritage Corridor shall  
2 be administered in accordance with the provisions of this  
3 Act.

4 **SEC. 5. GULLAH/GEECHEE CULTURAL HERITAGE COR-**  
5 **RIDOR COMMISSION.**

6 (a) ESTABLISHMENT.—There is hereby established a  
7 commission to be known as the “Gullah/Geechee Cultural  
8 Heritage Corridor Commission” whose purpose shall be to  
9 assist Federal, State, and local authorities in the develop-  
10 ment and implementation of a management plan for those  
11 land and waters specified in section 4.

12 (b) MEMBERSHIP.—The Commission shall be com-  
13 posed of 15 members appointed by the Secretary as fol-  
14 lows:

15 (1) Four individuals nominated by the State  
16 Historic Preservation Officer of South Carolina and  
17 two individuals each nominated by the State Historic  
18 Preservation Officer of each of Georgia, North Caro-  
19 lina, and Florida and appointed by the Secretary.

20 (2) Two individuals from South Carolina and  
21 one individual from each of Georgia, North Carolina,  
22 and Florida who are recognized experts in historic  
23 preservation, anthropology, and folklore, appointed  
24 by the Secretary.

1 (c) TERMS.—Members of the Commission shall be  
2 appointed to terms not to exceed 3 years. The Secretary  
3 may stagger the terms of the initial appointments to the  
4 Commission in order to assure continuity of operation.  
5 Any member of the Commission may serve after the expi-  
6 ration of their term until a successor is appointed. A va-  
7 cancy shall be filled in the same manner in which the origi-  
8 nal appointment was made.

9 (d) TERMINATION.—The Commission shall terminate  
10 10 years after the date of the enactment of this Act.

11 **SEC. 6. OPERATION OF THE COMMISSION.**

12 (a) DUTIES OF THE COMMISSION.—To further the  
13 purposes of the Heritage Corridor, the Commission  
14 shall—

15 (1) prepare and submit a management plan to  
16 the Secretary in accordance with section 7;

17 (2) assist units of local government and other  
18 persons in implementing the approved management  
19 plan by—

20 (A) carrying out programs and projects  
21 that recognize, protect, and enhance important  
22 resource values within the Heritage Corridor;

23 (B) establishing and maintaining interpre-  
24 tive exhibits and programs within the Heritage  
25 Corridor;

1 (C) developing recreational and educational  
2 opportunities in the Heritage Corridor;

3 (D) increasing public awareness of and ap-  
4 preciation for the historical, cultural, natural,  
5 and scenic resources of the Heritage Corridor;

6 (E) protecting and restoring historic sites  
7 and buildings in the Heritage Corridor that are  
8 consistent with heritage corridor themes;

9 (F) ensuring that clear, consistent, and ap-  
10 propriate signs identifying points of public ac-  
11 cess and sites of interest are posted throughout  
12 the Heritage Corridor; and

13 (G) promoting a wide range of partner-  
14 ships among governments, organizations, and  
15 individuals to further the purposes of the Herit-  
16 age Corridor;

17 (3) consider the interests of diverse units of  
18 government, business, organizations, and individuals  
19 in the Heritage Corridor in the preparation and im-  
20 plementation of the management plan;

21 (4) conduct meetings open to the public at least  
22 quarterly regarding the development and implemen-  
23 tation of the management plan;

24 (5) submit an annual report to the Secretary  
25 for any fiscal year in which the Commission receives

1 Federal funds under this Act, setting forth its ac-  
2 complishments, expenses, and income, including  
3 grants made to any other entities during the year  
4 for which the report is made;

5 (6) make available for audit for any fiscal year  
6 in which it receives Federal funds under this Act, all  
7 information pertaining to the expenditure of such  
8 funds and any matching funds, and require all  
9 agreements authorizing expenditures of Federal  
10 funds by other organizations, that the receiving or-  
11 ganization make available for audit all records and  
12 other information pertaining to the expenditure of  
13 such funds; and

14 (7) encourage by appropriate means economic  
15 viability that is consistent with the purposes of the  
16 Heritage Corridor.

17 (b) AUTHORITIES.—The Commission may, for the  
18 purposes of preparing and implementing the management  
19 plan, use funds made available under this Act to—

20 (1) make grants to, and enter into cooperative  
21 agreements with, the States of South Carolina,  
22 North Carolina, Florida, and Georgia, political sub-  
23 divisions of those States, a nonprofit organization,  
24 or any person;

25 (2) hire and compensate staff;

1           (3) obtain funds from any source including any  
2           that are provided under any other Federal law or  
3           program; and

4           (4) contract for goods and services.

5 **SEC. 7. MANAGEMENT PLAN.**

6           (a) IN GENERAL.—The management plan for the  
7 Heritage Corridor shall—

8           (1) include comprehensive policies, strategies,  
9           and recommendations for conservation, funding,  
10          management, and development of the Heritage Cor-  
11          ridor;

12          (2) take into consideration existing State, coun-  
13          ty, and local plans in the development of the man-  
14          agement plan and its implementation;

15          (3) include a description of actions that govern-  
16          ments, private organizations, and individuals have  
17          agreed to take to protect the historical, cultural, and  
18          natural resources of the Heritage Corridor;

19          (4) specify the existing and potential sources of  
20          funding to protect, manage, and develop the Herit-  
21          age Corridor in the first 5 years of implementation;

22          (5) include an inventory of the historical, cul-  
23          tural, natural, resources of the Heritage Corridor re-  
24          lated to the themes of the Heritage Corridor that



1 should be preserved, restored, managed, developed,  
2 or maintained;

3 (6) recommend policies and strategies for re-  
4 source management that consider and detail the ap-  
5 plication of appropriate land and water management  
6 techniques, including the development of intergov-  
7 ernmental and interagency cooperative agreements  
8 to protect the Heritage Corridor's historical, cul-  
9 tural, and natural resources;

10 (7) describe a program for implementation of  
11 the management plan including plans for resources  
12 protection, restoration, construction, and specific  
13 commitments for implementation that have been  
14 made by the Commission or any government, organi-  
15 zation, or individual for the first 5 years of imple-  
16 mentation;

17 (8) include an analysis and recommendations  
18 for the ways in which Federal, State, or local pro-  
19 grams may best be coordinated to further the pur-  
20 poses of this Act; and

21 (9) include an interpretive plan for the Heritage  
22 Corridor.

23 (b) SUBMITTAL OF MANAGEMENT PLAN.—The Com-  
24 mission shall submit the management plan to the Sec-

1   retary for approval not later than 3 years after funds are  
2   made available for this Act.

3       (c) FAILURE TO SUBMIT.—If the Commission fails  
4   to submit the management plan to the Secretary in ac-  
5   cordance with subsection (b), the Heritage Corridor shall  
6   not qualify for Federal funding until the management plan  
7   is submitted.

8       (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT  
9   PLAN.—

10           (1) IN GENERAL.—The Secretary shall approve  
11   or disapprove the management plan not later than  
12   90 days after receiving the management plan.

13           (2) CRITERIA.—In determining whether to ap-  
14   prove the management plan, the Secretary shall con-  
15   sider whether—

16                   (A) the Commission has afforded adequate  
17                   opportunity, including public hearings, for pub-  
18                   lic and governmental involvement in the prepa-  
19                   ration of the management plan;

20                   (B) the resource preservation and interpre-  
21                   tation strategies contained in the management  
22                   plan would adequately protect the cultural and  
23                   historic resources of the Heritage Corridor; and

24                   (C) the Secretary has received adequate  
25                   assurances from appropriate State and local of-

1 officials whose support is needed to ensure the ef-  
2 fective implementation of the State and local  
3 aspects of the plan.

4 (3) ACTION FOLLOWING DISAPPROVAL.—If the  
5 Secretary disapproves the management plan, the  
6 Secretary shall advise the Commission in writing of  
7 the reasons therefor and shall make recommenda-  
8 tions for revisions to the management plan. The Sec-  
9 retary shall approve or disapprove a proposed revi-  
10 sion not later than 60 days after the date it is sub-  
11 mitted.

12 (4) APPROVAL OF AMENDMENTS.—Substantial  
13 amendments to the management plan shall be re-  
14 viewed and approved by the Secretary in the same  
15 manner as provided in the original management  
16 plan. The Commission shall not use Federal funds  
17 authorized by this Act to implement any amend-  
18 ments until the Secretary has approved the amend-  
19 ments.

20 **SEC. 8. TECHNICAL AND FINANCIAL ASSISTANCE.**

21 (a) IN GENERAL.—Upon a request of the Commis-  
22 sion, the Secretary may provide technical and financial as-  
23 sistance for the development and implementation of the  
24 management plan.

1 (b) PRIORITY FOR ASSISTANCE.—In providing assist-  
2 ance under subsection (a), the Secretary shall give priority  
3 to actions that assist in—

4 (1) conserving the significant cultural, histor-  
5 ical, and natural resources of the Heritage Corridor;  
6 and

7 (2) providing educational and interpretive op-  
8 portunities consistent with the purposes of the Her-  
9 itage Corridor.

10 (c) SPENDING FOR NON-FEDERAL PROPERTY.—

11 (1) IN GENERAL.—The Commission may ex-  
12 pend Federal funds made available under this Act  
13 on nonfederally owned property that is—

14 (A) identified in the management plan; or

15 (B) listed or eligible for listing on the Na-  
16 tional Register for Historic Places.

17 (2) AGREEMENTS.—Any payment of Federal  
18 funds made pursuant to this Act shall be sub-  
19 ject to an agreement that conversion, use, or dis-  
20 posal of a project so assisted for purposes contrary  
21 to the purposes of this Act, as determined by the  
22 Secretary, shall result in a right of the United  
23 States to compensation of all funds made available  
24 to that project or the proportion of the increased  
25 value of the project attributable to such funds as de-

1       terminated at the time of such conversion, use, or dis-  
2       posal, whichever is greater.

3   **SEC. 9. DUTIES OF OTHER FEDERAL AGENCIES.**

4       Any Federal agency conducting or supporting activi-  
5       ties directly affecting the Heritage Corridor shall—

6               (1) consult with the Secretary and the Commis-  
7       sion with respect to such activities;

8               (2) cooperate with the Secretary and the Com-  
9       mission in carrying out their duties under this Act  
10      and, to the maximum extent practicable, coordinate  
11      such activities with the carrying out of such duties;  
12      and

13              (3) to the maximum extent practicable, conduct  
14      or support such activities in a manner in which the  
15      Commission determines will not have an adverse ef-  
16      fect on the Heritage Corridor.

17   **SEC. 10. COASTAL HERITAGE CENTERS.**

18      In furtherance of the purposes of this Act and using  
19      the authorities made available under this Act, the Com-  
20      mission shall establish one or more Coastal Heritage Cen-  
21      ters at appropriate locations within the Heritage Corridor  
22      in accordance with the preferred alternative identified in  
23      the Record of Decision for the Low Country Gullah Cul-  
24      ture Special Resource Study and Environmental Impact  
25      Study, December 2003, and additional appropriate sites.

1 **SEC. 11. PRIVATE PROPERTY PROTECTION.**

2 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in  
3 this Act shall be construed to require any private property  
4 owner to permit public access (including Federal, State,  
5 or local government access) to such private property.  
6 Nothing in this Act shall be construed to modify any provi-  
7 sion of Federal, State, or local law with regard to public  
8 access to or use of private lands.

9 (b) LIABILITY.—Designation of the Heritage Cor-  
10 ridor shall not be considered to create any liability, or to  
11 have any effect on any liability under any other law, of  
12 any private property owner with respect to any persons  
13 injured on such private property.

14 (c) RECOGNITION OF AUTHORITY TO CONTROL LAND  
15 USE.—Nothing in this Act shall be construed to modify  
16 any authority of Federal, State, or local governments to  
17 regulate land use.

18 (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS  
19 IN HERITAGE CORRIDOR.—Nothing in this Act shall be  
20 construed to require the owner of any private property lo-  
21 cated within the boundaries of the Heritage Corridor to  
22 participate in or be associated with the Heritage Corridor.

23 (e) EFFECT OF ESTABLISHMENT.—The boundaries  
24 designated for the Heritage Corridor represent the area  
25 within which Federal funds appropriated for the purpose  
26 of this Act shall be expended. The establishment of the

1 Heritage Corridor and its boundaries shall not be con-  
2 strued to provide any nonexisting regulatory authority on  
3 land use within the Heritage Corridor or its viewshed by  
4 the Secretary or the management entity.

5 (f) NOTIFICATION AND CONSENT OF PROPERTY  
6 OWNERS REQUIRED.—No privately owned property shall  
7 be preserved, conserved, or promoted by the management  
8 plan for the Heritage Corridor until the owner of that pri-  
9 vate property has been notified in writing by the manage-  
10 ment entity and has given written consent for such preser-  
11 vation, conservation, or promotion to the management en-  
12 tity.

13 (g) LANDOWNER WITHDRAWAL.—Any owner of pri-  
14 vate property included within the boundary of the Herit-  
15 age Corridor shall have their property immediately re-  
16 moved from within the boundary by submitting a written  
17 request to the management entity.

18 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) IN GENERAL.—There is authorized to be appro-  
20 priated for the purposes of this Act not more than  
21 \$2,000,000 for any fiscal year. Not more than a total of  
22 \$20,000,000 may be appropriated for the Heritage Cor-  
23 ridor under this Act.

24 (b) COST SHARE.—Federal funding provided under  
25 this Act may not exceed 50 percent of the total cost of

1 any activity for which assistance is provided under this  
2 Act.

3 (c) IN-KIND CONTRIBUTIONS.—The Secretary may  
4 accept in-kind contributions as part of the non-Federal  
5 cost share of any activity for which assistance is provided  
6 under this Act.

7 **SEC. 13. TERMINATION OF AUTHORITY.**

8 The authority of the Secretary to provide assistance  
9 under this Act shall terminate on the day occurring 15  
10 years after the date of the enactment of this Act.

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